

### REMARKS

In response to the requirement for restriction, applicants hereby elect Group II identified in the Action, Claims 27-30 drawn to a method for occluding a vascular vessel. The non-elected claims have been cancelled above. Further, Applicants wish to elect to prosecute a species of Group II not detailed in the Examiner's listing in the Office Action. Applicants would like to elect the species of a comminuted form of the biomaterial. Page 28 of the application discloses that the biomaterial can be comminuted for purposes of the invention. If any further clarification of this election is needed, the Examiner is asked to contact the undersigned attorney.

Applicants also request entry of the new claims shown above. The new claims are all directed to methods for occluding vascular vessels and belong to the elected Group II. No new claim fees are believed to be due since the claims, as amended, number fewer than the maximum previously paid for. Additionally, the claims are fully supported throughout the specification and introduce no new subject matter. Illustrative support can be found, for example, as follows:

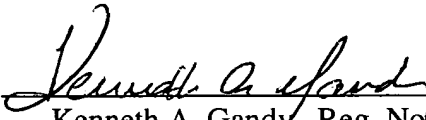
<u>Claim</u>	<u>Illustrative Location(s) for Support</u>
31	Page 6, line 11
32	Page 5, lines 9-12 and 24-26; page 32, lines 25-27
33	Page 6, line 11
34	Page 29, line 13
35	Page 9, line 20
36	Page 28, line 16
37	Page 6, line 7
38	Page 28, lines 15-17
39	Page 29, line 25 to page 30, line 1
40	Page 6, lines 9-11
41	Page 6, lines 7-8
42	Page 28, line 16
43	Page 28, line 18
44	Page 28, line 18

For purposes of responding to the restriction requirement, it is stated that claims 27, 29, 31, 32-33, 35, and 37-44 are believed to be examinable with the elected species,

based on historic practice of the Patent Office. It is noted, however, that the claims not listed immediately above are written in the open form, and thus do not exclude the possible presence of comminuted biomaterial in addition to other requirements defined therein.

Favorable consideration and allowance of claims 27-44 is requested.

Respectfully submitted,

By:   
Kenneth A. Gandy Reg. No. 33,386  
Woodard, Emhardt, Moriarty,  
McNett & Henry LLP  
111 Monument Circle, Suite 3700  
Indianapolis, IN 46204-5137  
(317) 634-3456